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OFFICE OF PETITIONS

In re Application of
Rebecca E. Whitmore, et al.
Application No. 10/068,924
Filed: February 8, 2002
Attorney Docket No. 2390 (FJ-01-33)

ON PETITION

This is a decision in response to the petition, filed October 2, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.


The application became abandoned for a failure to reply in a timely manner to an Office action mailed March 8, 2006. A Notice of Abandonment was mailed on September 22, 2006. In response, on October 2, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply; (2) the petition fee of \$1,500.00; and (3) the requisite statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted October 2, 2006 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired, i.e., June 9, 2006. Since no extension of time fees are due on a petition for revival, the extension fees submitted after abandonment are being credited to counsel's deposit account.

The application is being referred to Technology Center AU 1772 for consideration of the response filed October 2, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center


Sherry D. Brinkley
Petitions Examiner
Office of Petitions